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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,996	07/07/2000	ALAIN MARBACH	SAA-42	6583

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SQUARE D COMPANY
INTELLECTUAL PROPERTY DEPARTMENT
1415 SOUTH ROSELLE ROAD
PALATINE, IL 60067

EXAMINER

NAJJAR, SALEH

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 01/15/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/611,996

Applicant(s)

MARBACH ET AL.

Examiner

Saleh Najjar

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 2157

1. This action is responsive to the amendment filed on October 16, 2003. Claims 1, 4, 11, 13-16 were amended. Claims 1-20 are pending.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-13, 15, and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hunt et al., U.S. Patent No. 6,539,422.

Hunt teaches the invention as claimed including a system and method for controlling a plurality of automatic data collection devices in a network (see abstract).

As to claim 1, Hunt teaches method of providing notification to an operator of an automation network having an intelligent automation device and a network device located on the automation network, the method comprising the steps of:

sensing a signal within said automation device, said signal received from the network device; transmitting an object from said intelligent automation device to a receiving device operably connected to the network for notifying the operator, the object being responsive to the signal (see figs. 1-3; col. 6-8, Hunt discloses a network controller for receiving traps from data collection devices and sending objects representing these traps to client devices equipped with browser technology).

As to claim 2, Hunt teaches the method of claim 1 wherein the receiving device comprises means for displaying the object (see col. 6-8, Hunt discloses that client devices are equipped with browsers).

As to claim 3, Hunt teaches the method of claim 2 wherein the means for displaying the object is a web browser (see col. 6-8).

As to claim 4, Hunt teaches the method of claim 3 wherein the object is a Java-like program (see col. 8).

As to claim 5, Hunt teaches the method of claim 1 wherein the intelligent automation device is a programmable logic controller (see fig. 1; col 4).

As to claim 6, Hunt teaches the method of claim 1 further including transmitting a response to the intelligent automation device (see col. 6-8, Hunt discloses that the client devices can respond to traps or alarm events by sending configuration data).

As to claim 7, Hunt teaches a notification system for an automation network having a network device located on the automation network, the notification system comprising:

a sensor for monitoring the network device, the sensor being operably connected to the automation network; an intelligent automation device operably connected and responsive to the sensor, the intelligent automation device having an object; and a receiving device operably connected to the automation network, wherein the intelligent automation device transmits the object to the receiving device to notify the operator (see figs. 1-3; col. 6-8, Hunt discloses a network controller for receiving traps from data collection devices and sending objects representing these traps to client devices equipped with browser technology).

As to claim 8, Hunt teaches the notification system of claim 7 wherein the receiving device comprises a software module to interact with the intelligent automation device (see col. 4-8).

As to claims 9-10, Hunt teaches the notification system of claim 7 wherein the receiving device has means for displaying the object, wherein the means for displaying comprises a web browser (see col. 4-8).

As to claim 11, Hunt teaches the method of claim 10 wherein the object is a Java program (see col. 8).

As to claim 12, Hunt teaches the notification system of claim 7 wherein the intelligent automation device is a programmable logic controller (see figs. 1-3; col. 4-6).

As to claim 13, Hunt teaches the method of claim 7 wherein the object is an extensible markup language (XML) (see co. 6-8).

As to claim 15, Hunt teaches the method of claim 7 wherein the object is a hyper text markup language (HTML) (see col. 8).

Claims 17-20 do not teach or define any new limitations above claims 1-13, and 15 and therefore are rejected for similar reasons.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt further in view of Lee et al., U.S. Patent No. 6,336,137.

Hunt teaches the invention substantially as claimed including a system and method for controlling a plurality of automatic data collection devices in a network (see abstract).

As to claim 14, Hunt teaches the method of claim 7.

Hunt fails to teach the limitation wherein the object is a wireless application protocol (WAP) and where the object is a WML language. Hunt does teach that the ADC devices can communicate via a wireless protocol (see col. 4-6).

However, Lee teaches a network having clients communicate with a server over a wireless network (see abstract). Lee teaches communicating using a wireless application protocol (WAP) and where the object is a WML language (see col. 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hunt in view of Lee so that a wireless application protocol (WAP) and WML language objects are used for communications. One would be motivated to do so to allow wireless or thin clients efficient communication with a server.

6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The central official fax number for the group is (703) 872-9306.



Saleh Najjar
Primary Examiner / Art Unit 2157